

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

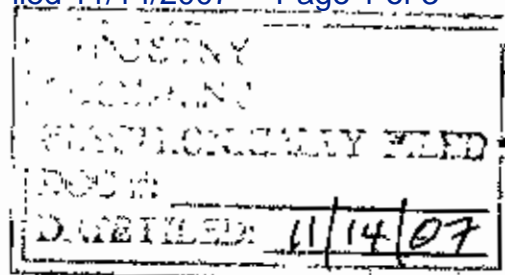
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-v.-

OLEKSANDR DOROZHKO

Defendant,



ECF CASE

07 CIV 9606 (NRB-RLE)

SO ORDERED STIPULATION

By Order of this Court, dated October 29, 2007, captioned Temporary Restraining Order, An Order Freezing Assets And Granting Other Relief, And An Order To Show Cause Why A Preliminary Injunction Should Not Issue (the "Temporary Restraining Order"), this Court granted an asset freeze and other emergency relief and scheduled a hearing for November 13, 2007 at 2:15 p.m. to address the Motion by Plaintiff, the U.S. Securities and Exchange Commission (the "SEC") for a preliminary injunction and preliminary relief pending a determination of this case on the merits or other substantive disposition,

After the Temporary Restraining Order was entered, the parties filed briefs and declarations including varied documentary evidence, defendant Dorozhko moved to dismiss the Complaint and vacate the Temporary Restraining Order and the SEC opposed this motion.

Defendant Dorozhko has only recently retained legal counsel, has filed a Motion to Dismiss this Action and has asserted numerous evidentiary objections to the SEC submissions.

Both the SEC and Dorozhko agree that, in the interests of judicial economy, they should attempt to meet and confer with a view to resolving these evidentiary objections prior to a hearing on the merits of the SEC's motion for a preliminary injunction and other preliminary relief.

Specifically, the parties agree and, subject to this Court's approval, stipulate to the following:

- A. The Show Cause Hearing scheduled for November 13, 2007 at 2:15 p.m. is adjourned to November 28, 2007 at 10: 00 a.m. in Room 21A of the United States Courthouse, *AMS* 500 Pearl Street, New York, N.Y. 10007.
- B. Counsel for both parties are directed forthwith to meet and confer and to canvas all possibilities of resolving the evidentiary issues by stipulation and to report to this Court on the status of such efforts by joint letter no later than 5:00 p.m. on November 19, 2007. *AMS*
- C. All provisions of the Temporary Restraining Order not explicitly modified by this so ordered stipulation shall continue in full force and effect until this Court has determined the SEC's motion for preliminary injunction and other relief or otherwise disposed of this case.
- D. With respect to defendant Dorozhko's Motion to Dismiss, the following issues are fully briefed and appear ready for this Court's determination:
 1. Whether this Court has personal jurisdiction over Defendant Dorozhko with respect to the claims stated in the SEC's Complaint;
 2. Whether the SEC's Complaint stated claims upon which relief can be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure.
 3. Whether the SEC's Complaint is pled with requisite particularity under Rule 9(b) of the Federal Rules of Civil Procedure.

And, defendant Dorozhko requests the opportunity to present oral argument on these issues before such determination at a hearing on these issues scheduled for November 24, 2007 at 10 : 00 a.m. in Room 21A of the United States Courthouse, 500 Pearl *NEW*

Street, New York, N.Y. 10007.

For Plaintiff Securities and Exchange Commission

Robert D. B. Kalfin

For Defendant Dorozhko

Charles A. Goss

SO ORDERED:

Date: November 13, 2007

Time: 5 : 20 p.m.

New York, NY

Samuel L. Friedman
UNITED STATES DISTRICT JUDGE